

Filed in District Court

State of Minnesota

STATE OF MINNESOTA

DISTRICT COURT

Sep 9 2019 1:46 PM

COUNTY OF BECKER

SEVENTH JUDICIAL DISTRICT

Margaret Campbell,
Plaintiff,

**ORDER GRANTING
MOTION TO COMPEL DISCOVERY**

v.

Honor the Earth,
Defendant.

Court File No.
03-CV-19-266

This matter came on before the Honorable Gretchen D. Thilmony, Judge of District Court, in the County of Becker, State of Minnesota upon Plaintiff's Motion to Compel Discovery, filed August 15, 2019. Based on the affidavits attached to Plaintiff's motion, Defendant is declining to comply with discovery based on its pending interlocutory appeal.

Minnesota Rule of Appellate Procedure 108.01, subdivision 1 provides that "an appeal from a judgment or order does not stay enforcement of the judgment or order in the trial court unless that court orders relief in accordance with Rule 108.02." Rule 108.02, subdivision 1(a), provides that a party seeking such a stay "must move first in the trial court." Defendant had moved to stay discovery pending the Court's ruling on subject matter jurisdiction. That motion was denied in this Court's Order of July 2, 2019, wherein the Court found it has subject matter jurisdiction over this lawsuit.

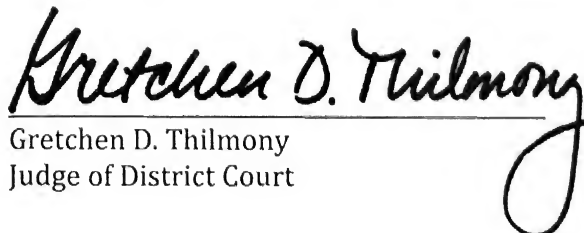
NOW THEREFORE, having duly considered the documents and proceedings herein, together with the applicable law, this Court makes the following:

ORDER

1. Plaintiff's Motion to Compel Discovery is **GRANTED**.

Dated: September 9, 2019

BY THE COURT:


Gretchen D. Thilmony
Judge of District Court